

Perley

FILED

Your Honor,

I am sending a letter from my attorneys that implies that you will not look kindly on the attached request of relief for asbestosis victims in Libby, MT. That it would put all claimants in a bad prospective in this courts future judgements regarding this class action. I believe their implications are presumptuous and hold your independence in contempt. Even should they be correct, all you would have to do is to declare my request as self-serving and frivolous. I do not believe you would hold it against others so similarly situated. I am sure they will drop me as a client for sending this against their advice.

The Governor was at a public meeting here in Libby last week. It was reported in the news a new P.R. ploy by Grace and Co., another medical program, to be started for others that are affected. This is good in that a contract doctor probably missed many that are affected and need help. However the identification of these victims will probably take another two years as it did those all ready identified. We were told that it would take five years of litigation after the action was closed, so now we look at seven, probably ten, since attrraction and delay is their defense. Grace and Co. will be able to use medical and legal expenses as a cost of doing business and tax deductible. They will continue to use their assets for economic gain.

In closing, the claimants in this class action have never been more clearly and positively identified by medical asbestosis. It would not set an example as no class is the same. The need is there and necessary. The attorneys are taken care of as their case before this Court has been made for them by medical identification. The doctors and hospitals are well supported. They are even expanding with a declining population and economy supported by Grace and Co.. The victims are the only ones without justified relief.

I think this Court for considering this request.

Sincerely,

Edward T Perley

Edward T Perley

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Law Offices of

McGarvey, Heberling, Sullivan & McGarvey, P.C.

*Dale L. McGarvey
Jon L. Heberling
Roger M. Sullivan, Jr.
Allan M. McGarvey
John F. Lacey*

*745 South Main
Kalispell, Montana
59901-5399*

Telephones:
(406) 752-5566

1-800-345-1763 (in State)
1-800-406-7544 (out of State)

Fax: (406) 752-7124

November 6, 2001

Emails:

dmcgarvey@mcgarveylaw.com
jheberling@mcgarveylaw.com
amcgarvey@mcgarveylaw.com
rsullivan@mcgarveylaw.com
jlacey@mcgarveylaw.com

Mr. Edward Perley
Ms. Charlotte Schauss
158 Highwood Drive
Libby, MT 59923

Re: Bankruptcy personal injury committee

Dear Mr. Perley,

This letter is in response to your letter of October 18, 2001.

We have received your letter to the personal injury committee of the W.R. Grace bankruptcy. I presume that you have sent this to our office in hopes that we will forward it to the Bankruptcy Court. Unfortunately, we do not have the ability to speak for the bankruptcy committee. Nor do we have the ability to direct the Bankruptcy Court. Accordingly, we cannot act any further upon your letter.

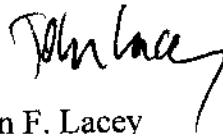
Your letter states that you intend to file a Pro Se brief with the court. We are returning your letter so that you may send it directly to the Bankruptcy Court along with any brief that you prepare. The address for the court is U.S. Bankruptcy Court, District of Delaware, 824 Market St, 5th Floor, Wilmington, DE 19801, (302) 252-2900.

We cannot support the relief that you request in the enclosed letter. Rather, we advise that you not pursue this matter with the Bankruptcy Court. It is very unusual for individuals to step forward and request immediate relief within an ongoing bankruptcy proceeding. For that reason, we believe that your request for relief is not very likely to be well-received. Moreover, we fear that your request to the Bankruptcy Court for specific and immediate relief might actually jeopardize the rights of the Libby claimants as a whole, for whom the actual claims and recovery amounts remain unsettled and a subject of the Bankruptcy Court's ongoing power.

Please feel free to contact me with any questions or concerns.

Sincerely yours,

McGARVEY, HEBERLING, SULLIVAN
& McGARVEY

A handwritten signature in dark ink, appearing to read "John Lacey", with a stylized flourish at the end.

John F. Lacey

Enclosures as stated

Personal Injury Committee
W. R. Grace and Co. Bankruptcy

Pro Se

I would ask this Committee to request of the Court relief on a weekly subsistence payment of \$300. There is precedence for such relief in that it could be deducted from any future settlement. This is currently in place with the Libby Medical Program sponsored by W. R. Grace and Co. This subsistence payment would not greatly effect W. R. Grace and Co. as they are collecting more than the cost in interest on their assets in trust with their Chapter 11. It would help the victims and businesses in Libby.

Political help was requested on behalf of all that have been personally injured by asbestos imposed by W. R. Grace and Co. It was thought that guilt by association would have inspired them to help. Not so; it was my mistake in calling it unemployment. It should have been called "upgrading of weatherization of respiratory systems by asbestosis in Libby."

EPA has in the past shut down and harassed small business, schools, office buildings, construction, etc., but they never warned or informed residents or employees working with or around asbestos in Lincoln County. This is a political oversight for all that are elected. EPA as an agency has wasted billions over the years. All that can be said is that W. R. Grace and Co. must be one hell of a special interest; such protection has not been extended since the days of organized crime.

It is hoped that this Personal Injury Committee will advance this request to the Grace Bankruptcy Court. Even an independent judge can not consider it unless the request is made. I will file a copy of this request with a Pro Se brief to the court in hopes it gets to the judge. I am sure that I would not have received a response from the governor had I not went public with a letter to the editor.

W. R. Grace and Co., have opened the door and set the precedence for subsistence relief. They can use the same format with the same pay back as they did in their Libby Medical Program. Many of us will be carrying an oxygen tank around; some of us will not make it to a settlement. It is hoped this Court will direct W. R. Grace and Co. to assist with \$300 per week until this issue is settled.

Please find attached Letters to the Editor and, finally, a response from the Governor.

In closing, it is understood we are at war now. I pray that the terrorists have not already taken from us a compassionate justice under a rule of law.

Sincerely,

Edward L. Perley
Edward L. Perley

Charlotte Schauss
Charlotte Schauss

October 18, 2001

OFFICE OF THE GOVERNOR

STATE OF MONTANA

JUDY MARTZ
GOVERNOR



STATE CAPITOL
PO Box 200801
HELENA, MONTANA 59620-0801

October 10, 2001

Edward L. Perley
158 Highwood Dr.
Libby, MT 59923-9015

Dear Mr. Perley,

Thank you for sending me your thoughts regarding utilizing the unemployment insurance system as a means of supplying emergency funding to the asbestos affected citizens of Lincoln County.

In addressing the points raised in your letter I believe it is prudent to explain some of the basics of the current unemployment insurance law. The unemployment insurance program is set up to provide temporary economic assistance to citizens who become unemployed through no fault of their own. Individuals who find themselves out of work must have been recently employed and generally must remain ready, able, available and actively seeking work in order to be eligible for unemployment insurance benefits. The unemployment insurance program is funded by a tax assessed on Montana employers that is based on the experience rating of a particular employer. The amount and duration of benefits is prescribed in law with the current maximum weekly benefit amount being \$286 per week and benefits are generally payable for a maximum of 26 weeks.

Your proposal would provide unemployment insurance without consideration of prior employment and would set the weekly benefit amount at \$300 per month to continue for an unknown duration set to expire upon final resolution of the WR Grace bankruptcy. As we compare your proposal to the current law it is readily apparent that current law would need to be significantly revised to effectuate your proposal. The proper forum for changes in the law and the underlying public policy resides with the Legislature and Congress. If you want to have your proposal considered, you should contact your legislator and/or congressman to see if those individuals might be interested in seeking legislation. If a piece of

Edward Perley
October 10, 2001
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legislation comes to my desk for approval I will evaluate it to determine whether I believe it is good for the State of Montana. As with any proposal, I am reluctant to comment until the details are worked out and it is ready for consideration.

Because of the need for legislation, the possibility of unemployment benefits for Libby asbestos victims as defined in your proposal is not possible until the next legislative session (assuming that it is acceptable to the federal government). In the mean time, as I am sure you are aware, the possibility of workers' compensation insurance or occupational disease benefits may exist for certain workers. In addition, social security disability benefits may also be available for certain individuals.

I truly appreciate and thank you for your thoughts and concerns on this issue. It is always a pleasure to see a citizen like yourself take the time and effort to advocate creative solutions to the asbestos related issues in Lincoln County.

Sincerely,

A handwritten signature in cursive script that reads "Judy Martz".

JUDY MARTZ
Governor

OFFICE OF THE GOVERNOR

STATE OF MONTANA

JUDY MARTZ
GOVERNOR



STATE CAPITOL
PO Box 200801
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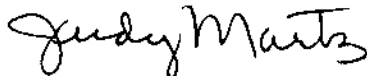
Edward Perley
October 10, 2001
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I truly appreciate and thank you for your thoughts and concerns on this issue. It is always a pleasure to see a citizen like yourself take the time and effort to advocate creative solutions to the asbestos related issues in Lincoln County.

Sincerely,

A handwritten signature in cursive script that reads "Judy Martz".

JUDY MARTZ
Governor

November 5, 2001

Office of the Governor

Dear Governor Judy Martz,

Please except this letter as my personal apology. I have, in my letters to the editor, been caustic and rude. You were not in office at the time that Grace and Co. polluted the land and people here in Libby, Montana. My anger and resentment is not only because I have Asbestosis, it is also because politicians and bureaucrats have, in the past, been reactive instead of preventative in their enforcement of environmental law. Now that we are at war on two fronts, I know that things will change.

Utilizing the examples I have in mind, law enforcement would be able to prevent crime instead of reacting to it. This will lead to a better and safe society for everyone to live in. Many of the causes of social problems have been identified, from drugs to education. If these problems are addressed up front, we will not have to respond to the far more costly effects of inaction. However, if the government does not change its strategy from a reactive to a proactive one, there is a very good chance that we could lose this war and our constitution.

I have made a proposal to the judge of the Grace bankruptcy court. It is my hope that you will support it. I believe it would be a political plus for your office in the following ways:

- (1) All payments made to the personnel injured would be comprised of the amount allotted for the settlement at the end of the bankruptcy proceedings. It is the defendants and other corporate lawyers who, over the years, have created these sophisticated bankruptcy laws that were not written for the benefit of the injured. Their main defense is attrition and delay. You personally have been to meetings her in Libby and have seen the injured walking around with oxygen bottles. Almost everyone with Asbestosis are unemployable and may not live to see a settlement. Asbestosis itself allows other opportunistic lung diseases to occur later in life. Even more devastating than a shortened life span is the significant loss in the quality of that life. The victims need this relief since a good share will not be here to collect a final settlement. All that I have state here has been known and understood by Grace and Co. C.E.O. and top management for years.
- (2) Political gain. If you endorsed the request of this bankruptcy court, it would be at no cost to your future campaign war chest and it would be appreciated by voters in northwest Montana. It would allow for an eager transition for the victims. As you know, the real-estate values have also been devastated by asbestos production. Even if we get coverage by the Superfund, the values will not come back in time for those needing to sell rapidly in order to make

ends meet. Again, your endorsement would help the injured, the local and state economies, as well as being a national economic boost. This would be at no cost to state or federal (or even Grace and Co. since their money is in trust with the courts.) Evan Senator Baucus has introduced a bill to exempt Grace and Co. from taxes on interest supposedly to benefit the victims at some future settlement. It is hoped that this judge resents his court being used as a venue for evading responsibility, accountability and justice. There are many other international companies that would not like this court to set an example of justice which would set precedent in their future dealings with the third world market. It is understood that Grace and Co. is now involved in chemical as well as commodity minerals internationally. Their bottom line is profit not social equity while gaining that profit.

If you do not agree that Grace and Co. has committed any wrongdoing, you will not support this suggested relief to their victims. In closing I will attempt to easily explain this. In the last ten years of their operation in Libby, Grace and Co. moved toward an export market because the market in the U.S. diminished as a result of health reasons. An astute politician once stated "all you have to do is follow the money." A great majority of the third world is supported, at least partially, by aid programs funded by the American taxpayers. This aid is extended with strings attached, one being that asbestos products from Grace and Co. are pushed for the countries accepting help to use.

This again illustrates the blatant lack of concern for other world countries and no regard for anyone or anything else except for their bottom line of profit.

This exemption of aid is the result of lobbyists as well as both hard and soft money paid to political interest groups in the U.S. When I was a young man, this was called greed and corruption. It is now protected under the first amendment, cash payments are free speech. It is my hope that some kid in the third world that is now protected from the elements by asbestos does not become a terrorist twenty years from now with Asbestosis. It is hoped that you will accept this letter of apology and my concerns even if I can not afford my first amendment rights.

Sincerely,

A handwritten signature in cursive script that reads "Edward L. Pearley". The signature is written in dark ink and is positioned above the printed name.

Edward L. Pearley

State should provide emergency relief to asbestos victims

To the Editor:

I did ask the Governor during her public meeting here in Libby the following questions:

If government — federal, state and local — did know since the late 70's and early 80's that asbestos had health risks and what did they do about it? What are they doing about it now? What are they going to do about it in the future?

There, of course, was no response or answers given. I was polite in that I welcomed her to Libby in the opening and closing of my questions.

Grace and Co. operated with premeditation for profit. Government has a constitutional obligation to protect the citizens at all levels of

government. At the federal level, EPA has had a mandate to protect ever since Love Canal, against hazardous waste. They are currently active, after the fact, but where have they been since the late 70's. Government should be preventative instead of reactive.

The federal and state have in the past allowed Grace and Co. to export death and destruction to the Third World for profit. Government will not admit it but they have been in full partnership with Grace and Co. through their operational history here in Libby. We now wait to be compensated by a federal bankruptcy court.

Remember it would set a bad example to the New World Order if the victims of

corporate greed were fairly compensated here in Libby by federal and state, as well as Grace and Co.

I believe the state should provide emergency relief to all victims of asbestosis here in Lincoln County. This could be done through the State Unemployment programs. I believe federal participation could be allowed as they are jointly responsible for the current conditions.

This should not be based on prior employment and should be about \$300 per week to all asbestos victims that are under Medicare and are unemployed. This should be continued until Grace and Co. has concluded its Chapter 11 Bankruptcy in about 5 years. Indeed, such relief to

the victims might speed up their ability at justice. It should be noted that many people do not even have the age to receive Social Security. And Medicare and Medicaid will not help as they consider asbestosis an occupational disease and covered under Workmen's Compensation.

In closing I have asbestosis and live on limited Social Security. If able, I would still be in the work force, as it is I have to make decisions about hamburger or medication at age 67.

Compassion and relief would be nice but would not be in the interest of a New World Order under a government of the people for the people and by the people.

Edward Perley

Martz urged to provide unemployment benefits for asbestos victims

To the Editor

I was going to attempt to have this letter to the governor published earlier. However we have been occupied in mourning and prayer for those souls lost on the east coast in what is now considered the Third World War. I did not wish to trivialize history or the conditions here in Libby.

Dear Governor Judy Martz:

I am sending this article that I wrote as a letter to the editor. I delivered a copy to Senator Burns' office in hopes that he could help on the federal level as unemployment is made up of participating funds from both federal and state

employment agency could be used as it is already in place and nothing new need be established. It might take some emergency funding from both state and federal. I can assure you that the emergency does exist for the effected residences of Lincoln County.

To qualify for this unemployment, a resident should be under the asbestos health care plan in Libby. There should be no other means testing to qualify. A person should not be reduced to a state of welfare. Asbestosis is not a condition of choice. These benefits should include widows that were de-

vative governor.

Edward Perley

I sent this letter and my last article to the Governor and Senator, to date no response. The State could recover all expenditures of this emergency unemployment to victims of asbestosis. All they would have to do is join the class action against Grace and Co. for reimbursement.

With the State Attorney General involved they might not be able to hide \$4 billion of their \$5 billion in assets in federal bankruptcy. There is judicial precedent for this. Look what the states did to

al companies are only American in their origin, but very un-American in their exploitation and greed. They pay off through political contributions and lobbyists. The real people of the nation are represented in the victims of the terrorists. The police, firemen, aid and emergency volunteers also are military in the new war. We pray for them all as the real American constituents.

In closing, your governor, senator and representative face a class action every election day. So call, write, fax or personally let them know the im-